



9/29/05 245-67314-02 434161 00-22

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PATENT
Attorney Reference Number 245-67314-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Azevedo *et al.*

Application No. 10/537,017

Filed: June 1, 2005

Confirmation No. _____

For: BACTERIAL BIOHERBICIDE FOR
CONTROL OF GRASSY WEEDS

Examiner: _____

Art Unit: _____

Attorney Reference No. 245-67314-02

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

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Attorney or Agent
for Applicant(s)

Tanya M. Harding, Ph.D.

Date Mailed September 29, 2005

TRANSMITTAL LETTER

Enclosed for filing in the application referenced above are the following:

- ☒ Information Disclosure Statement
☒ Form 1449 and 7 references cited thereon

The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed. Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

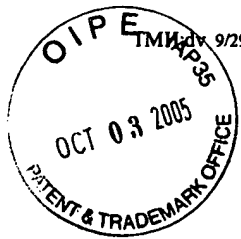
KLARQUIST SPARKMAN, LLP

By

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**INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(b)(3)**

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Listed on the accompanying form PTO-1449 and enclosed herewith are several English-language documents. Applicants respectfully request that these documents be listed as references cited on the issued patent.

Copies of United States patents and United States published patent applications do not have to be provided to the Patent Office (37 C.F.R. 1.98(a)(2)(ii)). Copies of unpublished U.S. applications do not have to be provided, as long as the application is available on PAIR, as this requirement of 37 C.F.R. § 1.98(a)(2)(iii) has been waived by the United States Patent and Trademark Office pursuant to the Official Gazette Notice on October 19, 2004 (1287 OG 163). Applicants will provide copies of such patents or applications upon request.

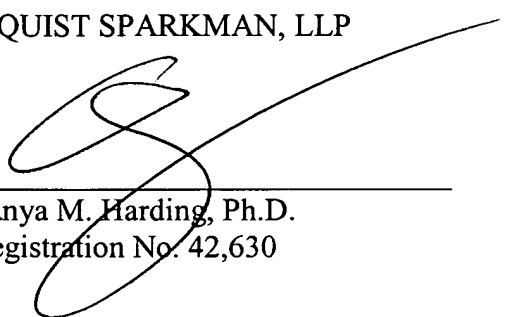
Applicants are filing this Information Disclosure Statement ("IDS") before the mailing of a first Office action on the merits. It is believed that no fee is due to file this IDS. If the Commissioner determines that a fee is due, Deposit Account authority is provided on the accompanying transmittal letter.

The filing of this IDS shall not be construed to be an admission that the information cited in the statement is, or is considered to be, prior art or otherwise material to patentability as defined in 37 C.F.R. §1.56.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney Docket Number	245-67314-02
Application Number	10/537,017
Filing Date	June 1, 2005
First Named Inventor	Azevedo
Art Unit	
Examiner Name	

U.S. PATENT DOCUMENTS

Copies of U.S. Patent documents do not need to be provided, unless requested by the Patent and Trademark Office. For patents, provide the patent number and the issue date. For published U.S. applications, provide the publication number and the publication date. For unpublished pending patent applications, provide the application number and the filing date.

Examiner's Initials*	Cite No. (optional)	Number	Publication Date	Name of Applicant or Patentee
		4,818,530	April 4, 1989	Marois <i>et al.</i>
		4,915,726	April 10, 1990	Bewick <i>et al.</i>
		5,030,562	July 9, 1991	Elliott <i>et al.</i>
		5,082,489	January 21, 1992	Watson <i>et al.</i>
		5,163,991	November 17, 1992	Kennedy <i>et al.</i>
		5,208,026	May 4, 1993	Watson <i>et al.</i>
		5,244,658	September 14, 1993	Parke
		5,244,659	September 14, 1993	Watson <i>et al.</i>
		5,601,760	February 11, 1997	Rosenberg
		5,665,351	September 9, 1997	Nair <i>et al.</i>
		5,809,693	September 22, 1998	Chet <i>et al.</i>
		6,172,184	January 9, 2001	Collmer <i>et al.</i>

FOREIGN PATENT DOCUMENTS

Examiner's Initials*	Cite No. (optional)	Country	Number	Publication Date	Name of Applicant or Patentee
		PCT	WO 94/27444	8 December 1994	Christy <i>et al.</i>

EXAMINER
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* Examiner: Initial if reference considered, whether or not in conformance with MPEP 609. Draw line through cite if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Attorney Docket Number	245-67314-02
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		Art Unit	
		Examiner Name	
Examiner's Initials*	Cite No. (optional)	OTHER DOCUMENTS	
		Elliott <i>et al.</i> , "Biological Control of Weeds Using Deleterious Rhizobacteria," <i>Seed Production</i> , OSU Ext/Crs 110 , 2 pages (April 1997)	
		Elliott <i>et al.</i> , "Weed Biocontrol with Rhizobacteria," <i>Soil Science Agrochemistry and Ecology</i> XXXIII(1) (1998)	
		Marrone, "Microbial pesticides and natural products as alternatives," <i>Agriculture</i> 28(3):149-154 (1999)	
		Accession No. 0144751, Annual Research Progress Report, "Weed Control and Microbiology in Grasses Grown for Seed," January, 1996 – July, 1996	
		Accession No. 0144751, Annual Research Progress Report, "Weed Control and Straw Utilization of Grasses Grown for Seed," July, 1991 – July, 1996	
		Accession No. 0400529, Annual Research Progress Report, "Weed Control and Microbiology in Grasses Grown for Seed," July, 1996 – July, 2001	

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